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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RONALD R. JARAGOSKY, a single man,

Plaintiff,

vs.

FORD MOTOR COMPANY, a Delaware
corporation; and JOHN DOE ENTITIES I-X,
inclusive,

Defendants.

Case No. 2:17-CV-02089-RFB-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINE
DATES (SECOND REQUEST)**

Plaintiff Ronald R. Jaragosky and Defendant Ford Motor Company hereby stipulate and agree to continue discovery in this matter by approximately thirty (30) days.

I.

BACKGROUND

This is a complicated product liability action arising from a motor vehicle collision involving a 2001 Ford Explorer and a 2012 Chrysler van. On December 20, 2015, Plaintiff Ronald Jaragosky was riding in the front passenger seat of the 2001 Ford Explorer. The Explorer was driven by non-party Judy Ann Jiworsky northbound on SR-160 in Pahrump, Nevada. As the Explorer approached the intersection of SR-160 and Matthew Lane, the 2012 Chrysler van turned left in front of the Explorer. The right front of the Explorer collided with right front of the Chrysler van. Mr. Jaragosky sustained significant injuries in the crash.

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On August 1, 2017 Plaintiff filed suit against Ford. Plaintiff alleges claims of negligence and strict product liability and seeks punitive damages. Plaintiff alleges that the 2001 Ford Explorer failed to adequately protect Plaintiff when the airbags did not deploy. Ford denies that the 2001 Ford Explorer was defective or that they are liable for Plaintiff's injuries and damages.

II.

REASON FOR DISCOVERY REQUEST

The parties have diligently pursued discovery in this case.¹ The parties are currently negotiating the protocol for removing and downloading the restraints control module contained in the subject Ford Explorer. The module records certain fault codes and other information that may be relevant to the subject vehicle and subject crash. The module was manufactured by a third party, Veoneer f/k/a Autoliv. Veoneer is the only party able to download the module's data, using their proprietary software. Plaintiff's counsel has expressed concern about the ability to verify the accuracy of the module's download, which has delayed the parties from scheduling the removal and download. The parties are working through those issues now. But this has delayed some information that both parties' experts need for their expert reports.

For this reason, the parties agree that it will be best to extend all discovery deadlines by 30 days to allow for these issues and, potentially, the removal of the restraints control module prior to expert discovery in this case. The parties represent that good cause exists for this extension. Further, though the request to move the Plaintiff's expert disclosure deadline is within the 21 day period set by LR 26-4, the parties believe that this constitutes excusable neglect as the issues surrounding the removal and download of the restraint control module pertain to both parties' experts and it is fair for these issues to be resolved before Plaintiff discloses his experts' opinions.

III.

DISCOVERY STATUS

The following discovery has been completed:

- October 10, 2017 - Plaintiff's Initial Disclosure Statement

¹ As previously reported to the Court, the parties had some initial difficulty obtaining the most recent medical records for Plaintiff from the California facilities where Plaintiff is currently residing, but those issues are now resolved.

- November 10, 2017 - Ford Motor Company's Initial Disclosure Statement
- January 12, 2018 - Plaintiff's First Set of Non-Uniform Interrogatories to Defendant Ford Motor Company
- January 12, 2018 - Plaintiff's First Set of Requests to Produce to Defendant Ford Motor Company
- January 26, 2018 - Ford Motor Company's First Request for Production of Documents to Ronald R. Jaragosky
- January 26, 2018 - Ford Motor Company's First Set of Non-Uniform Interrogatories to Ronald R. Jaragosky
- January 31, 2018 - Submission of Protective Order
- March 12, 2018 - Deposition of Plaintiff Ronald Jaragosky
- March 12, 2018 - Deposition of Darby Jaragosky
- March 12, 2018 - Plaintiff's Second Set of Requests to Produce to Defendant Ford Motor Company
- March 14, 2018 - Deposition of Donald Patrick (non-party driver of 2012 Chrysler)
- March 15, 2018 - Deposition of Kevin Clickner, Pahrump Valley Fire and Rescue
- March 15, 2018 - Deposition of Judy Ann Jiworsky (non-party driver of 2001 Ford Explorer)
- March 19, 2018 - Vehicle inspection by Ford's experts
- March 22, 2018 - Deposition of Officer Truscello, Nevada Highway Patrol
- May 1, 2018 - Vehicle inspection by Ford's experts

IV.

DISCOVERY THAT REMAINS TO BE COMPLETED

A. Plaintiff:

1. Plaintiff intends to notice the 30(b)(6) depositions of Defendant's corporate representatives;
2. Plaintiff will be identifying experts on both liability and damages;
3. Plaintiff may propound additional written discovery as needed;

4. Plaintiff will be deposing Defendant's experts once disclosed.

B. Defendant:

1. Defendant intends to depose Plaintiff's experts on both liability and damages.

2. Removal and download of subject vehicle's restraint control module.

3. Defendant may propound additional written discovery as needed.

V.

PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

The parties have agreed to extend all the discovery deadlines in this case by 60 days as set forth below:

- | | |
|---|-------------------|
| 1. Last day to amend pleadings and add parties: | July 2, 2018 |
| 2. File the interim status report: | July 2, 2018 |
| 3. Plaintiff's initial expert disclosure: | July 1, 2018 |
| 4. Defendant's initial expert disclosure: | August 29, 2018 |
| 5. Rebuttal expert disclosure: | October 1, 2018 |
| 6. Discovery cut off: | December 1, 2018 |
| 7. Dispositive motions: | January 15, 2019 |
| 8. Joint pretrial order: | February 14, 2019 |

In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after a decision of the dispositive motions.

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VI.

CONCLUSION

Good cause is exists to extend the discovery deadlines as the parties have worked diligently towards completing fact discovery prior to expert disclosure. Therefore, the parties respectfully ask that this Court grant their request to adjust the case management deadlines as set forth herein.

DATED this 4th day of June, 2018.

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DATED this 4th day of June, 2018.

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*Attorneys for Plaintiff
Ronald R. Jaragosky*

ORDER

IT IS HEREBY ORDERED that the case management deadlines are extended as agreed to by the parties in the above stipulation and as follows:

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|---|-------------------|
| 9. Last day to amend pleadings and add parties: | July 2, 2018 |
| 10. File the interim status report: | July 2, 2018 |
| 11. Plaintiff's initial expert disclosure: | July 1, 2018 |
| 12. Defendant's initial expert disclosure: | August 29, 2018 |
| 13. Rebuttal expert disclosure: | October 1, 2018 |
| 14. Discovery cut off: | December 1, 2018 |
| 15. Dispositive motions: | January 15, 2019 |
| 16. Joint pretrial order: | February 14, 2019 |

IT IS SO ORDERED.

DATED this 8th day of June, 2018.



U.S. MAGISTRATE JUDGE

Prepared and Submitted by:
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